ORDINANCE NO. 11

Series, 1964

AN ORDINANCE GRANTING TO THOMAS B. GRANT A NON-TRANSFERABLE AND NON-EXCLUSIVE FRANCHISE TO OPERATE AND MAINTAIN A GARBAGE COLLECTION SERVICE THROUGHOUT THE CITY OF ELGIN, OREGON, AND DECLARING AN EMERGENCY.

THE CITY OF ELGIN DOES ORDAIN AS FOLLOWS:

Section 1:
The City of Elgin, Union County, Oregon, hereinafter designated as and referred to as the City, hereby grants to Thomas B. Grant, hereinafter designated and referred to as Grantee, under the conditions and limitations prescribed herein, the right, privilege, authority and franchise, to operate and maintain throughout the City of Elgin and within its corporate boundary lines a garbage collection service.

Section 2:
Grantee, at all times during the life of this franchise, shall be subject to all lawful exercise of the police power of said City and to such reasonable regulations as the City shall hereafter by resolution or ordinance provide.

Section 3:
Grantee shall, at all times during the term of this franchise, operate and maintain his garbage collection service in a diligent and businesslike manner; shall service all who employ him in a faithful manner; shall in no manner discriminate among customers; shall make all garbage and refuse pick-ups and keep all his equipment in a clean and sanitary manner and condition.

Section 4:
Grantee shall use the City dump in such manner as will keep said dump from becoming hazardous, dangerous or constituting a nuisance; and Grantee's usage thereof shall be under the regulation and supervision of the City at all times.

Section 5:
Grantee shall have the right to charge and collect a reasonable compensation from all persons, firms, companies or corporations to whom he shall furnish such garbage collection service. Grantee shall not, as to such rates, charges and/or compensation, make or grant any preference, advantage to any person, nor subject any person to any prejudice or disadvantage, providing that nothing in this franchise shall be deemed to prohibit the establishment of a graduated scale of charges and classified rate schedules applying to any particular classification of customer. Grantee agrees that he shall be subject to all authority and power hereafter possessed by the City or any other regulatory body having competent jurisdiction to fix just, reasonable and compensatory rates, such jurisdiction and control being at all times subject to review by any court of competent jurisdiction.

Section 6:
The rights, privileges and franchise herein granted shall be deemed to be non-exclusive; and the right is hereby reserved by the City to grant to any other person, company, firm, corporation or association, or to the City itself, the right, privilege and franchise the same as, or similar to those granted herein. The City further reserves the express right hereunder to amend or modify this Ordinance; which at all times, shall be subject to the right of the City, or the people of the City acting for themselves, by initiative or referendum, to modify, amend, or to cancel, as herein provided.

Section 7:
The rights, privileges and franchise hereby granted shall not be assignable or transferable in any manner whatsoever, including by operation of law.

Section 8:

The rights, privileges and franchise herein granted shall take affect and be in force from and after the passage of this Ordinance, and shall continue in full force and effect for a term of ten (10) years from the effective date of this franchise.

Section 9:

Grantee shall at all times fully and faithfully perform all the terms, provisions and conditions of this franchise. Upon any default of the Grantee hereunder and the continuance of such default for a period of thirty (30) days, from and after the receipt of a written notice from the City Recorder specifying such default, the City may, by ordinance and for good cause shown, forfeit this franchise and all the rights and privileges herein conferred upon said Grantee.

Section 10:

Whereas the peace, health and safety of the City of Elgin is involved and in order to properly safeguard the same, with respect to the collection of garbage and refuse within the corporate boundaries of said City; now, therefore, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and its approval by the Mayor.

PASSED by the City Council this 13th day of October, 1964.

APPROVED by the Mayor this 13th day of October, 1964.

Linda C. Spicer
Mayor

ATTESTED and filed this 13th
day of October, 1964.

Ethel Klenk
City Recorder